

ACTS

PASSED AT THE

FIRST SESSION

OF THE

FIRST GENERAL ASSEMBLY,

OF THE

ALABAMA TERRITORY;

IN THE FORTY SECOND YEAR

OF

AMERICAN INDEPENDENCE.

ST. STEPHENS:

Printed by THOMAS EASTIN.

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1818.

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T. L. COLE, WASHINGTON, D. C.

July, 1912



ACTS &c.

AN ACT

To amend the laws concerning Public Printing.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That, hereafter, instead of seventy-five, it shall be the duty of the Public Printer to print one hundred and fifty copies of the Journals of the House of Representatives.

Sec. 2. *And be it further enacted,* That, in full compensation for all the duties required by law of the public printer, he shall be entitled to receive one dollar and twenty-five cents for each page contained in one copy of the laws, one copy of the journals of the House of Repre-

Printer to
print 150 co-
pies of Jour-
nal of House
Rep.

One dollar 25
cents per page
allowed the prin-
ter.

sentatives, and one copy of the journals of the Legislative Council.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES. TITUS,
President of the Legislative Council.
Approved, the 3d day of February,
1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To amend the Laws now in force respecting public roads.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That it shall hereafter be lawful for the overseer of any public road, if he deems it necessary, to require all and every person, or persons residing within his precinct, and not exempted from such service by law, to work on said road ten days and no longer; except when bridges and

Overseer to require all persons to work on roads ten days if necessary.

exception.

caufeways may require repair, and in that case as long as may be necessary for that purpose, not exceeding twenty days.

Sec. 2 *And be it further enacted,* that hereafter the overseer of any public road shall be liable to be fined on presentment, at the discretion of the Jury trying the same, if the road of which he is overseer shall have remained out of repair for the period of twelve days at any one time, provided such overseer have any notice thereof.

Overseer liable,
to fine.

Sec. 3. *And be it further enacted,* that hereafter when any delinquent shall be returned to a justice of the Peace, by the overseer of a public road, and it shall become necessary to issue process against such delinquent, such process shall be issued, and all further proceedings carried on in the name of the Territory; and if the prosecution fail, the cost shall be adjudged as in other Territorial cases: and the court may, if it appear that the return has been made, or the prosecution commenced by such overseer from malicious motives, tax him with cost.

Overseer to pay
cost in certain
cases.

30 feet allowed
for lanes,

Sec. 4. *And be it further enacted,* that all lanes which constitute a part of any public road, shall be not less than thirty feet in width.

GABRIEL MOORE,
Speaker of the House of Representatives,

JAMES TITUS,
President of the Legislative Council.

APPROVED, the 4th February, 1818,
Wm. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To abolish the right of survivorship in all cases.

Right of survivorship in legal representatives

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That hereafter when two or more persons hold an estate real or personal, jointly, and one joint tenant dies before severance, his interest in said joint estate shall not survive to the remaining joint tenant, or joint tenants, but shall descend to, and

be vested in, the heirs or other legal representatives of such deceased joint tenant, in the same manner as if his interest had been severed and ascertained.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED, the 4th February, 1818

WM. W. BIBB,

Governor of the Alabama Territory.

—

AN ACT

To divorce Elizabeth Bennett from James Bennett, her husband.

Sec 1 *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*
That Elizabeth Bennett, be, and she is hereby divorced from the bonds of matrimony heretofore subsisting be-

Divorce.

tween her and James Bennet, her husband.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council
APPROVED, the 4th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

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AN ACT

To establish the counties of Cotaco
Lawrence and Franklin.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*
That all that tract of country lying west of the Cherokee boundary, south of Tennessee river, East of the western boundary line of Range numbered five, west of the basis Meridian of Madison County, produced, and north of the boundary line of Township numbered eight, from the southern boundary of the State of Tennessee, shall hereafter form one

Boundaries of
Cotaco county

County, to be called and known by the name of Cotaco.

Sec. 2. *And be it further enacted,* That all that tract of country, lying west of said county of Cotaco, south of Tennessee river, east of the western boundary line of range numbered nine, and north of the boundary line of township numbered eight, from the southern boundary of the state of Tennessee, shall hereafter form one county, to be called and known by the name of Lawrence.

Boundaries
of Lawrence
county

Sec. 3. *And be it further enacted,* That all that tract of country, lying west of the said county of Lawrence, south of Tennessee river, and north of the boundary line of township numbered eight, from the southern boundary of the state of Tennessee, and east of the Chickasaw boundary line, shall hereafter form one county, to be called and known by the name of Franklin.

Boundaries
of Franklin
County,

Sec. 4. *And be it further enacted,* That there shall be holden in and for said county of Cotaco, in each year, a Superior Court of Law and Equity, on the third Mondays in February and August: and there shall be

Time of hold-
ing Courts
in Cotaco
county,

holden in and for said county of Cotaco, a County Court, on the second Mondays in March and September, and an intermediate Court, on the second Mondays in June and December.

Time of holding Courts in Lawrence County,

Sec. 5 *And be it further enacted,* That there shall be holden in and for said county of Lawrence, in each year, a Superior Court of Law and Equity, on the fourth Mondays in February & August ; & there shall be holden in and for said county of Lawrence, a County Court, on the third Mondays in March and September, and an intermediate Court, on the third Mondays in June and December.

Time of holding Courts in Franklin County,

Sec. 6. *And be it further enacted,* That there shall be holden in and for said county of Franklin, in each year, a Superior Court of Law and Equity, on the first Mondays in March and September ; and there shall be holden in and for said county of Franklin, a county Court on the fourth Mondays in March and September, and an intermediate Court on the fourth Mondays in June and December.

Sec. 7. *And be it further enacted,* that the said courts for the said county of Cotaco, shall, for the time being, be holden at the House of William Vaughn : the said courts in and for said county of Lawrence, shall for the time being, be holden at Melton's Bluff: and the said Courts in and for the said county of Franklin, shall, for the time being be holden at the House of Maj Neely, on lower Spring creek: *Provided*, that the said Courts, of the several counties aforesaid, respectively, may for the want of necessary buildings, adjourn to some more convenient place, contiguous to the places herein designated for holding the same.

Where held

Provido.

Sec. 8. *And be it further enacted,* That the said Superior, County and Intermediate Courts, required to be holden in and for said counties of Cotaco, Lawrence and Franklin, shall have power to continue their sessions, respectively, at each term hereby authorised, six judicial days and no longer.

Courts to sit
six days and
no longer,

Sec. 9. *And be it further enacted,* That so much of the foregoing act

Time of taking effect, as relates to the holding of Courts shall not take effect till the first day of June next.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
Approved—6th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To establish the Western and Southern boundaries of Madison County, and to establish the counties of Limestone and Lauderdale.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That Madison County shall hereafter be bounded on the west by the western boundary line of Range, numbered two, west of the basis Meridian of said county, extending from the southern boundary of the State of Tennessee to the river of the

Western
boundary of
Madison
County,

same name, and said county shall be bounded on the south, by said river.

Sec. 2. *And be it further enacted,* That all that tract of country lying west of the aforesaid county of Madison, north of Tennessee river, and east of the western boundary line of Range numbered six, west of said basis Meridian, shall form one county, to be called and known by the name of Limestone.

Boundaries
of Limestone
County,

Sec. 3. *And be it further enacted,* That all that tract of country lying west of said county of Limestone, and north of Tennessee river, shall constitute a county, to be called and known by the name of Lauderdale.

Boundaries
of Lauderdale
County.

Sec. 4. *And be it further enacted,* That there shall be holden in and for the said county of Limestone, in each year, a Superior court of Law and Equity, on the second Mondays in February and August; and there shall be holden in and for the said county of Limestone a county Court, on the first Mondays in March and September; and an intermediate Court on the first Mondays in June and December.

Time of hold-
ing Courts
in Limestone
County,

Where held

Sec. 5. *And be it further enacted,*
That for the time being, the said courts in and for the said county of Limestone, shall be holden at the house of George Wilder; and may at the discretion of the said Courts, respectively, for the want of necessary buildings, be adjourned to some more convenient place contiguous thereto.

Time of holding Courts in the county of Lauderdale,

Sec. 6. *And be it further enacted,*
That there shall be holden in and for the county of Lauderdale, in each year, a Superior Court, on the first Mondays in February and August: and there shall be holden, in and for the said county of Lauderdale, in each year, a County Court, on the fourth Mondays in January and July, and an intermediate court, on the fourth Mondays in April and October.

Where held

Sec. .7 *And be it further enacted,*
That, for the time being, the said Courts in and for said county of Lauderdale, shall be holden at the house commonly called Col. Pulers place, east of Cypress, and near that creek; and may, at the discretion of said Courts, for want of necessary

buildings, be adjourned to some convenient place contiguous thereto.

Sec. 8. *And be it further enacted,* That said Superior, County, and intermediate Courts, by this act required to be holden, in and for the said counties of Limestone and Lauderdale, shall have power to continue their sessions respectively, at each term, hereby authorised, six judicial days, and no longer.

Courts to sit
six days and
no longer,

Sec. 9. *And be it further enacted,* That the superior courts of Law and Equity, in and for the county of Madison, shall hereafter be holden on the first Mondays in April and October; the County Courts of said county, on the fourth Mondays in March and September, and the intermediate Courts of said county, on the fourth Mondays of June and December: *Provided*, that this section and such parts of the foregoing act as relates to the holding of Courts,

Time of
holding
Courts in
Madison
County.

Provido,

shall not be in force, till the first day of June next.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.

APPROVED—6th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To establish the counties of Blount, Tuskaloosa and Marengo.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That, hereafter, all that tract of country lying west of the Cherokee boundary, south of the boundary line of township numbered eight, from the southern boundary of the state of Tennessee, bounded on the west by the Sipsey fork, to its junction with the Mulberry Fork of the Black Warrior; from thence by the united

Boundaries
of the coun-
ty of Blount

stream, to its junction with the Locust fork of said river; thence by said river, to a point opposite the southern extremity of Jones' Valley; thence by a line drawn from said river, through the southern extremity of said Valley, to the main ridge dividing the waters of said river from those of Cahawba river; and bounded on the south and south-east by said ridge, to its eastern extremity; and from thence by a line running due east to said Cherokee boundary, shall form one county, to be called and known by the name of Blount.

Sec. 2. *And be it further enacted,* That all that tract of country, lying within the following bounds, to-wit: beginning on the river Black Warrior, where the southern boundary line of said county of Blount leaves the same; thence southwardly with said boundary, and on the same direction, to Roupes' Valley; thence along the eastern boundary of said Valley, and including the whole of of the same; thence southwardly along the main ridge dividing the waters of the Black Warrior from those

Boundaries
of Tuscaloosa
County.

of the Cahawba, to the head waters of Five Mile creek; thence down the same to the Tuskalooosa on Black Warrior river; thence a due west course to the Tombeckbe river; thence up the same to the Cotton Gin Port; thence along Gaue's road till it strikes the township line, numbered eight, from the southern boundary of the State of Tennessee; thence along said line to the Sipsey fork; and thence down the same to the place of beginning; shall constitute one county to be called and known by the name of Tuskalooosa.

Sec. 3. *And be it further enacted,* That all that tract of country, bounded on the north by said county of Tuskalooosa, on the west by the Tombeckbe river, on the south by the ridge dividing the waters of Chickasaw-Bogue and Beaver creek, and on the east by the main ridge dividing the waters of the Black Warrior and Cahawba rivers, shall hereafter constitute one county, to be called and known by the name of Marengo.

Boundaries
of Marengo
County

Sec. 4 *And be it further enacted*

That there shall be holden in and for the said county of Blount, in each year, a Superior Court of Law and Equity, on the third Mondays in March and September; and there shall be holden in and for said county of Blount, in each year, a County Court, on the second Mondays in March and September; and an intermediate Court, on the second Mondays in June and December.

Time of holding Courts
in Blount
County

Sec. 5. *And be it further enacted,* That there shall be holden in and for the said county of Tuskalooosa, in each year, a Superior Court, on the fourth Mondays in March and September; and there shall be holden in and for said county of Tuskalooosa, in each year, a County Court, on the third Mondays in March and September; and an intermediate Court, on the third Mondays in June and December.

Time of holding Courts
in Tuskalooosa
County

Sec. 6. *And be it further enacted,* That there shall be holden in and for the said county of Marengo, in each year, a Superior Court, on the first Mondays in April and October; and there shall be holden in and for said county of Marengo, in each

Time of holding Courts
in Marengo
County

year, a County Court, on the fourth Mondays in March and September ; and an intermediate Court, on the fourth Mondays in June and December.

Where held

Sec. 7. *And be it further enacted,* That, for the time being, the said Courts in and for said county of Blount, shall be holden at the house of Maj. Kelly, in Jones' Valley ; the said Courts in and for the said county of Tuskalooosa, shall be holden at the Falls of Tuskalooosa or Black Warrior ; & the said Courts in & for the said county of Marengo, shall be holden at the White Bluff ; and said Courts may, respectively, for want of necessary buildings, adjourn to such other places, contiguous to those herein designated for holding the same, as may seem proper.

Courts to be held six days and no longer

Sec. 8. *And be it further enacted,* That the said Superior, County and intermediate Courts, herein required to be holden, may, respectively, con-

tinue their sessions, six judicial days, and no longer.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
Approved—6th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To alter and extend the boundaries of Washington, Baldwin and Mobile Counties.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That so much of Wayne county as may be thrown into the Territory of Alabama, by the line dividing said Territory and the state of Mississippi, be, and hereby is, added to, and made a part of the county of Washington: that so much of the county of Greene, as may, by said boundary line, be thrown into the said Territo*

*Extension of
Washington
County*

*Extension of
Baldwin
County*

Extension of
Mobile
County

ry, be, and the same is hereby added to, and made a part of the county of Baldwin: and that so much of the county of Jackson as may be thrown into said Territory, by the boundary line aforesaid, be, and the same is hereby added to, and made a part of the county of Mobile.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
APPROVED—7th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory

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AN ACT

To incorporate the President and Trustees of the St. Stephens Academy.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That the following persons, viz: Silas Dinsmoor, Samuel Smith, George Buchanan, Benjamin S. Smoot, Le.*

Present trus-
tees & their

muel J. Allston, Davis H. Mayhew, Mathew D. Willson, and Abner S. Lipscomb, Trustees of the St. Stephens Academy, and their successors in office, are hereby constituted a body corporate, under the style and title of the President and Trustees of the St. Stephens Academy.

successors
incorporated

Sec. 2. *And be it further enacted,* That the said President and Trustees, and their successors in office, shall have and exercise the authority to make all such bye laws, not contrary to the Constitution or laws of the United States, or of this Territory; for the better regulation of the said Academy, and the same, from time to time, to alter, amend and annul, as to them may seem expedient; and be capable in law, of suing and being sued, of pleading & being impleaded, and shall be capable of holding property both real and personal, and of selling or aliening and conveying the same, and shall have and enjoy, all

Powers giv-
en the Pre-
sident and
Trustees

the privileges and rights incident to bodies corporate.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—7th February, 1818,

WM. W. BIBB,

Governor of the Alabama Territory.

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AN ACT

Authorising the taking the Census of the Alabama Territory.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That it shall be the duty of all the inhabitants of this Territory, being heads of families, and persons not belonging to any particular family, to render a true and faithful estimate to the Assessors of taxes in their respective Counties; such estimates from heads of white families to be on oath, and contain an enumeration of the whole number of inhabitants belonging to his or her family, making a correct distinction

Heads of
white fami-
lies to render
a true ac-
count on
oath

between the number of white males over twenty-one years of age, white males under twenty-one years of age; white females over twenty-one years, white females under twenty-one years; the total of free people of color, Indians not taxed excepted, and the total of slaves.

Sec. 2. *And be it further enacted,* That it shall be the duty of the assessors of taxes in each and every county within this Territory, to claim and receive of all heads of families, and other persons as described in the preceding section, the estimate which they are therein required to furnish. The oath required of the heads of families as aforelaid, shall be administered by the said assessors in each respective county, and in form as follows, to wit: "You do solemnly swear (or affirm, as the case may be) that the estimate which you now render, contains a true and faithful enumeration of the number of inhabitants of which your family consists, with the proper distinction of sexes, age, and color, so help you God."

Duty of Assessors

Oath

Sec. 3. *And be it further enacted,*

Fifty dollars
fine for giv-
ing a false or
improper re-
turn

That if any person shall fail to make a return of him or herself and family, or any part thereof, being thereunto requested by the said assessors, or shall knowingly, make a false or improper return, he or she shall be fined in the sum of fifty dollars, to be recovered before any Justice of the Peace or of the Quorum of the county, one half thereof to the use of the informer, and the other half to be paid into the county treasury.

Also subject
to pains
and penalties
against per-
jury

Sec. 4. *And be it further enacted,* That in addition to the penalty prescribed in the preceding section, if any person shall, knowingly, make a false or incorrect return of his or her family, as directed by this act, he or she shall be liable to all the pains and penalties provided by law against perjury.

Sec. 5. *And be it further enacted,* That the following form shall be adopted and used by each and every assessor in this Territory, for the classification of the inhabitants thereof:

Names of the heads of families.
White males over twenty-one years.
White males under twenty-one years.
White females over twenty-one years.
White females under twenty-one years.
Total of white inhabitants
Total of free people of colour.
Total of slaves,
Total of inhabitants.

Form of re-
turn

Sec. 6. *And be it further enacted,*
That each and every assessor in this
Territory, shall, before he enters on
the duties of his office, in addition to
the oath required of him by law, as
assessor, take, and subscribe before
some person authorised to administer
the same, an oath, in the following
form, to wit: I, A. B. do solemnly
swear, (or affirm, as the case may be)
that I will take the census of the
country of _____, according to the
true intent and meaning of this act,
the best of my knowledge, so help

Assessors
oath and a
copy of enu-
meration to
be returned
to the Exe-
cutive, and
enumeration

to be return-
ed to the
Speaker of
the house
of Represen-
tatives

me God ; which said oath, subscribed and sworn to, shall be transmitted, together with a copy of said enumeration, agreeably to the foregoing form, to the Executive of this Territory, and also, another copy of the numeration, in form as aforesaid, to the speaker of the House of Representatives of this Territory, on or before the first day of the next session of the General Assembly ; and each and every assessor failing to comply with the requisitions of this act, shall be fined in the sum of seven hundred and fifty dollars, recoverable before any Court of competent jurisdiction, one half thereof to the use of the informer, and the other half to be paid into the Territorial Treasury.

Penalty for
failure

Compensa-
tion of As-
sessors

Sec. 7. *And be it further enacted,* That each and every assessor in this Territory, shall be allowed as a compensation for taking the census in his county, one dollar and twenty-five cents for every hundred inhabitants ; and the Auditor is hereby required to issue his warrant on the Territorial Treasurer in favor of such assessor, for the same, upon the certificate

of the Governor, that a copy of such census is delivered to him, in which certificate the total of inhabitants in each county, shall be specified.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—9th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

To establish the counties of Shelby and Cahawba.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That hereafter all that tract of country lying west of the Cherokee boundary line; south and east of the county of Blount, and north of a line to be drawn from west to east through the southern extremity of the Cahawba Valley, from the eastern boundary of said county of Blount,

Boundaries
of Shelby
County

to Coosa river, and thence up said river to where it is intersected by the said Cherokee boundary, shall constitute one county, to be called and known by the name of Shelby.

Sec. 2. *And be it further enacted,* That hereafter, all that tract of country bounded on the north by the said county of Shelby ; on the west and south-west, by the county of Tuscaloosa ; on the south, by a line to be drawn from the head waters of Five Mile Creek, to the upper end of the ridge dividing the waters of the Cahawba from those of Mulberry Creek ; thence by a direct line to the Coosa River, opposite the mouth of Hatchet Creek ; and on the east by Coosa River, shall form one county, to be called and known by the name of Cahawba.

Boundaries
of Cahawba
County

Sec. 3. *And be it further enacted,* That there shall be holden in and for said county of Shelby, in each year, a Superior Court of Law and Equity, on the first Mondays in May and November ; and, there shall be holden in and for the said county of Shelby, in each year, a County Court, on the fourth Mondays in A-

Time of
holding
Courts in
Shelby coun-
ty

pril and October, and an intermediate Court on the fourth Mondays in January and July.

Sec. 4. *And be it further enacted,* That there shall be holden, in and for the said county of Cahawba, in each year, a Superior Court of Law and Equity, on the second Mondays in May and November; and there shall be holden in and for said county of Cahawba, in each year, a County Court, on the third Mondays in May and November, and an intermediate Court, on the third Mondays in February and August.

Time of holding courts
in Cahawba
county

Sec. 5. *And be it further enacted,* That, for the time being, the said Courts for the said county of Shelby, shall be holden at the house of William S. Wallace; and the said Courts in and for the said county of Cahawba, shall be holden at the Falls of the Cahawba; but the said Courts may, respectively, for want of necessary buildings at the several places herein designated for holding the same, adjourn to such other places, contiguous thereto, as may seem most proper.

Where held

Sec. 5. *And be it further enacted,*

Courts to sit
days and no
longer

That the said Superior, County, and intermediate Courts, herein required to be holden, may, respectively, continue their sessions, six judicial days, and no longer.

GABRIEL MOORE,

Speaker of the House of Representatives

JAMES TITUS,

President of the Legislative Council.

APPROVED—7th February, 1818,

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

For the better regulation of Judicial proceedings.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That every joint bond, covenant, bill, promissory note, or judgment of any Court of record of any State or Territory of the United States, shall be deemed and construed to have the same effect in law, as a joint and several bond, covenant, bill, promissory note or judgment; and it shall be lawful to sue out process

Lawful to
Sue out pro-
cess against
joint obligors

and proceed to judgment, against any one, or more of the obligors, covenanters, or drawers, of any such joint bond, covenant, bill or promissory note, or against any one or more, of the defendants to any such joint judgment.

Sec. 2. *And be it further enacted,* That whenever a writ shall issue, against two or more joint, or joint and several, obligors, covenanters, or drawers of any such bond, covenant, bill, or promissory note, or against two, or more, of the defendants to any such joint judgment, it shall be lawful for the plaintiff, or his attorney, at any time after the return of said writ, or an alias writ, to discontinue such action, against any one or more, of the defendants, on whom said writ, or alias writ, shall not have been executed; and proceed to judgment against any one, or more of said defendants, on whom said writ shall have been executed, or proceed to issue an alias or pluries writ, at his election.

Plaintiff
may discon-
tinue suit, a-
gainst any
one or more
of defendants
on a joint ob-
ligation.

Sec. 3. *And be it further enacted,* That whenever a judgment shall have been rendered by any Court of

record, or any Justice of the Peace, in this Territory, and an execution against the defendant, or defendants shall have been returned by the proper officer, "no property found;" on the affidavit of the plaintiff, or other credible person, that said defendant, or defendants, hath or have no property within the knowledge of such affiant, in his or their possession, and that such affiant hath just reason to believe that another person, or persons, is, or are indebted to such defendant, or defendants, or hath or have effects of such defendant, or defendants, in his or their hands, it shall be lawful for said Court, or Justice of the Peace, to cause the person or persons supposed to be indebted to, or supposed to have any of the effects of the said defendant, or defendants, to be summoned, forthwith, to appear before said Court or Justice, as a garnishee or garnishees, and said Court, or Justice of the Peace, shall examine and proceed against such garnishee or garnishees, in the same manner as required by law, against garnishees in original attachments.

Court may
summon
garnishees
where exe-
cution re-
turned no
property
found,

Sec. 4. *And be it further enacted,*
That in all actions of debt, founded
on any bond, promissory note, or
judgment, when the original writ
shall have been executed on the de-
fendant, or defendants, sixty days
before the return thereof, it shall be
lawful for the Court, in which such
action is instituted, to proceed to
judgment at the term to which such
writ is returned; unless the defen-
dant, or defendants, shall make oath,
to the best of his or their knowledge
and belief, that he or they, will be a-
ble to make a defence, going to the
actual merits of the the case.

Writs return-
ed sixty days
before Court
can proceed
to judgment

Sec. 5. *And be it further enacted,*
That all executions, hereafter issued
by any of the Superior Courts of
this Territory, shall be made return-
able, ninety days after they respec-
tively bear teste: and it shall be the
duty of the clerk of each of said
Courts, when an execution shall be
returned in vacation, if necessary,
to issue an alias or pluries execution,
in the same manner as if the same
had been returned in term time.

Executions
returnable
ninety days
after Judg-
ment

Sec. 6. *And be it further enacted,*
That if any sheriff shall, on the re-

Sheriff or
Clerk on
failure of re-
turning an
execution,
subject to a
recovery
15 per cent
interest

turn of an execution, fail to pay over any money collected by virtue thereof, he shall on motion of the plaintiff in such execution, as in other cases, be subject to a recovery of the amount by him received, and damages at the rate of fifteen per centum : and if any clerk shall fail to pay, on demand, to the party entitled thereto, or his attorney, any money by him received, in his capacity as clerk, he shall, in like manner, be subject to a recovery of the amount so received, and damages at the rate of fifteen per centum the damages in either case, to be calculated from the time at which it is in evidence, such sheriff or clerk received such money.

Sheriff lia-
ble in cer-
tain cases

Sec. 7. And be it further enacted That if any sheriff shall fail to make the money required by any execution, before the return day thereof, when the defendant has sufficient property, within the knowledge of such sheriff, he shall be liable to a recovery of the amount due on such execution, including interest and cost, in an action on the case brought by the party aggrieved.

Sec. 8. *And be it further enacted,*
That whenever any cause of action
may exist against two or more part-
ners, trading in copartnership, or a-
gainst partners of any denomination
whatever, it shall be lawful to pro-
secute an action against any one or
more of them : and when a writ shall
be issued against all the partners of
any firm, service of the same on any
one of them shall be deemed equiva-
lent to a service on all : & the plain-
tiff may file his declaration, and pro-
ceed to judgment, as if said writ had
been served on each defendant ; and
the judgment shall be equally valid
and effectual against all the defen-
dants.

Lawful to
issue writ
against any
one or more
partners

Legal to
serve writs
on any one
of a firm

Sec. 9. *And be it further enacted,*
That the Superior Courts of this
Territory, sitting in Chancery, shall
in all cases where a bill is pending,
or may be hereafter filed, to compel
the specific performance of a con-
tract, have power to make a decree,
vesting title to any property real or
personal, in the complainant, as fully
and effectually as if conveyed by the
defendant, in conformity with the
contract on which such bill and de-

Chancery
Courts au-
thorized to
make title
to property

cree are founded; and a writ shall issue to the Sheriff, or other officer, commanding him forthwith, to put such complainant in possession.

Property re-
plevied in
certain cases

Sec. 10. *And be it further enacted,* That whenever the property of an absconding debtor shall be attached, it shall not be replevied, unless the security in the replevy bond shall undertake to return the specific property attached, or pay and satisfy such judgement as may be rendered against the defendant.

Defendants
to give se-
curity for
damages

Sec. 11. *And be it further enacted,* That, hereafter, in all actions sounding in damages, it shall be lawful for the clerk of the court in which such action is commenced, or any Justice of the Quorum of the County, where such suit may be instituted, to order the defendant or defendants to be held to bail in such sum as may seem proper, on the affidavit of the plaintiff, or other credible person, setting forth satisfactory reasons for praying such order: provided, however, that it shall be the duty of the Court, to which such writ may be returned, on application at the first term thereof

after the commencement of such action, supported by satisfactory proof; to discharge the bail taken under such order, or reduce the amount for which bail may have been required.

Sec. 12. *And be it further enacted* That where any suit shall be instituted against two or more persons as partners in any firm, if one or more persons, not partners in said firm, shall have been sued as such; the court before whom said suit is or shall be pending, shall discontinue said suit against such person or persons, as shall appear not to be partners, in said firm, and proceed to judgment and execution against all or any of the defendants in such action, who shall appear to be partners.

Suits can be discontinued against such persons as may not appear to be a partner,

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—7th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

For the Government of the Town
of Blakeley,

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory in General Assembly convened.

That the land-holders, freeholders, and house holders of the Town of Blakeley, shall, on the first Monday in March, or as soon thereafter as may be convenient, in each and every year, in said town, hold an election, to commence at ten o'clock in the forenoon, and to close at five o'clock in the afternoon; and then and there elect by ballot, and a majority of votes, five commissioners, a majority of whom shall constitute a quorum to do business; also, a Treasurer, Assessor and Collector, to serve for the term of one year; and the said commissioners so elected, shall, on the next day after such election, in each and every year, meet and elect by ballot and a majority of votes from their own body, a President; whose duty it shall be to preside and keep order at all meetings of the said Commission-

To hold an election on the first monday in March, each year for five Commissioners, Treasurer, Assessor and Collector.

Commissioners to elect a President,

ers, and in his absence or incapacity, any other member may be called to the chair : and the said Commmissioners shall be, and they are hereby, constituted a body corporate, by the name and style of the President and Commissioners of the Town of Blakeley ; and by that name they and their successors in office, shall be capable in law, of suing and being sued, of impleading & of being impleaded, in all manner of suits and actions either in law or equity ; and also, to do all acts which are incident to bodies corporate.

Incorporated,
ed,

Sec. 2. And be it further enacted,
That the said President and Commissioners shall have power and authority to raise such sum or sums of money, as they shall think necessary for the well regulation of said Town ; which sum or sums shall be assessed upon the land holders, free holders, and house holders within the said town, by the assessor, according to the regulations to be established by said President and Commissioners, and shall be collected by the collector at such time or times, and be paid and disposed of in such manner, as

Commissioners authorized to assess taxes,

Proviso

the said President and Commissioners shall direct: *Provided*, the whole amount of such sum or sums, shall not, in any one year, exceed twelve and a half cents, for every hundred dollars worth of property liable to taxation; but if the sum, or sums so assessed and collected, shall be found insufficient for the supply of the said Town, it shall be lawful for the President, with the advice of two of the Commissioners, to call a meeting of the land holders, free holders and house holders of said town, by giving five days previous notice thereof, specifying the object of said meeting: and the said meeting shall have power and authority by a majority of votes, to order such further sum or sums to be raised, as to them may seem expedient; to be assessed, collected and paid, as shall be directed by the said President and Commissioners;

Sec. 3. *And be it further enacted*, That the said president & commissioners shall meet on their own adjournments, and have power from time to time, and at all times hereafter, to make such bye-laws and regulations

To make
bye laws

in writing, not inconsistent with the laws of the United States or of this Territory, as to them shall appear necessary for the good government of the said Town; and the same to put in execution, revoke and alter, as to them shall appear expedient. In addition to the officers to be appointed by the first section of this act, the said President and Commissioners shall have power to appoint such other subordinate officers as they may think necessary, for the good government of the said Town; and, by ordinance, to require such security from the several officers, and to annex such fees to the several offices of the said Town, and to impose such fines for the neglect of duty in office, or misconduct in the same, as to them may appear necessary: and to make, limit, and impose and tax reasonable fines and amercements in any one case not exceeding fifty dollars, against all, and upon all persons who shall offend against the by-laws and regulations for the government of the said Town; and all such fines and amercements to take, demand and levy of the goods and

Commissioners have power to appoint officers

To levy and collect dues

chattels of such offender, by warrant issued under the hand and seal of the President, directed to the constable of the county, who is hereby required and authorised to execute the same ; which fines and amercements shall be paid to the treasurer, to be appropriated to the use and benefit of the said Town.

Sec. 4 *And be it further enacted,* That the President and Commissioners in office on the first Monday in March, in each and every year, shall remain and continue in office until successors be duly elected ; and it shall be the duty of the said President and Commissioners, or any three of them remaining in office, to preside at the annual election appointed to be held on the first Monday of March, or as soon thereafter as convenient ; and to declare the persons duly elected at any such election ; and when, on counting the ballots, there shall appear to be an equal number for two or more persons, it shall be the duty of the judges presiding at such election, to declare which of the said persons is duly elected ; and in case the whole

To continue
in office un-
til successors
are elected,

President &
Commission-
ers to pre-
side at elec-
tions

number of Commissioners authorised by law to be elected on the first Monday in March in each and every year, shall not be then elected, or if no election shall be had on that day, the said Commissioners so remaining in office, shall appoint another day, by public notice given in said Town, at least eight days previous thereto, for holding an election for Commissioners, or any number thereof who may not have been duly elected on the first Monday in March: *Provided*, that, if no election, or an incomplete election, be had on the first Monday in March in each year, the time to be appointed by the President and Commissioners for an election, shall be within one month thereafter.

If the whole
are not elected
ted to hold
a second elec-
tion

Provide

Sec. 5. *And be it further enacted*, That, in case of the death, resignation, or removal from Town of any of the commissioners, the treasurer, Assessor or Collector, the President for the time being, shall call a meeting of the land holders, freeholders, and house-holders, by advertising the same at the place of meeting in said town, five days previous thereto.

How to sup-
ply vacan-
cies

who shall, by ballot, proceed to supply the vacancy.

Sec. 6. *And be it further enacted,* That the said President and Commissioners are hereby authorised to levy a tax on carts, drays, waggons, or other vehicles of transportation, and only such as are employed in transporting for pay or compensation, any article whatsoever, from one place to another within the limits of the said Town: also, on all retailers of spirituous liquors, a sum not exceeding Ten Dollars per centum.

Sec. 7. *And be it further enacted,* That all free white male persons, subject to taxation, who shall be in the occupancy of a room to himself, separate and apart, shall be deemed a house holder within the meaning of this act, and shall be entitled to vote at the Town elections.

Persons occupying a room separately shall vote.

GABRIEL MOORE,

Speaker of the House of Representatives,

JAMES TITUS,

President of the Legislative Council

APPROVED—7th February, 1818.

WM. W BIBB,

Governor of the Alabama Territory

AN ACT

To establish the County of Dallas.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That all that tract of country, bounded on the north by the county of Cahawba, on the east by the ridge dividing the waters of Mulberry from those of Cahawba, and a line running from where said ridge intersects the Alabama river, a direct course to the head of Pine Barren creek ; thence with said creek to its junction with the Alabama river ; thence by a line running directly to the north-east corner of Clarke county, thence with the northern boundary of said county, to the ridge dividing the waters of the Tombeckbe from those of the Cahawba river ; thence up said ridge to the boundary of the county of Marengo, and thence with the boundary of said county, to the place of beginning, shall form one county, to be called and known by the name of Dallas.

Boundaries

Sec. 2. *And be it further enacted,* That there shall be holden in and

Time of hold-
ing Courts,

for the said county of Dallas, in each year, a Superior Court of Law and equity, on the second Mondays in April and October; and there shall be holden in and for said county of Dallas, in each year, a County Court on the third Mondays in April and October; and an intermediate Court on the third Mondays in January and July.

Where held

Sec. 3. *And be it further enacted,* That for the time being, the said Courts; in and for the said county of Dallas, shall be holden at the mouth of the Cahawba; but the said Courts may, respectively, for want of necessary buildings, adjourn to some convenient place contiguous thereto.

Courts to sit
six days and
no longer

Sec. 4. *And be it further enacted,* That the said Superior, County and intermediate Courts herein required to be holden, may respectively, continue their sessions, six judicial days, and no longer.

GABRIEL MOORE,

Speaker of the House of Representatives

JAMES TITUS,

President of the Legislative Council.

APPROVED—9th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory,

AN ACT

Concerning certain Islands in the
River Tennessee.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That the islands in the Tennessee river, within the lines actually run in the surveys already made, shall be deemed and taken to constitute a part of the respective counties established by law within said survey, and shall belong to such counties respectively, to the shore or river boundary of which they may be most near.

Islands be-
longing to
respective
counties

Sec. 2. *And be it further enacted,* That the middle of said river Tennessee, wheresoever there are no Islands, shall be deemed and taken to be the boundary line between the several counties established on its

Middle of
the River
the bounda-
ry line be-
tween coun-
ties

banks ; any thing, in any law to the contrary, notwithstanding.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
APPROVED—9th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To incorporate the St. Stephens
Steam Boat Company.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*
That James Pickens, David Files, Silas Dinsmoor, Henry Bright, Benjamin S. Smoot, Daniel B. Ripley and their associates, be, and they are hereby constituted and appointed a body corporate, by the name and style of the St. Stephens Steam Boat Company ; and by that name shall be, and they are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and re-

Persons in
incorporated
and their
powers

tain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of whatever kind, nature and quality ; and the same to sell, grant, demise, alien and dispose of ; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any suit, action, matter or thing depending in any court of law or equity ; and also, to make, have and use a common seal, and the same to break, alter, and renew at their pleasure ; and also, to ordain, establish, and put in execution, such bye laws, ordinances and regulations as they shall deem necessary and convenient for the government of the said corporation, not being contrary to the constitution thereof, or the laws of the United States, or the Territory ; and generally to do and execute all and singular the acts, matters and things which to them may appear necessary, or which to them it may appertain to do, as inci-

Establish &
put in execu-
tion by laws

dent to bodies corporate, under the restrictions before mentioned

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.

Approved—10th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

Concerning Writs of Error.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*
That whenever a writ of error shall have issued from the clerk's office of any of the Superior Courts of this Territory, it shall be the duty of the Clerk of the Court from which it shall have issued, to give the defendant in error, or to his attorney, on application, a certificate, stating that a writ of error has issued; and it shall be the duty of the General Court, on motion the of said defendant, & on his producing the said certificate, to

Duty of
clerk to give
certificate

dismiss any cause in which the transcript of the record shall not have been returned on or before the third day of the term to which the writ shall have been made returnable.

Courts to dismiss a cause in which the transcript shall not be returned

Sec. 2. *And be it further enacted,* That whenever any cause shall be dismissed for want of a return of the transcript of the record and the judgment below shall have been superseded, it shall be the duty of the said General Court to affirm the judgment of the Court below, with damages, interest and cost; unless the plaintiff in error, or some other person, shall make affidavit that the transcript of the record could not be procured from the Clerk of the Court below.

Affirm the judgment of the Court below with damages

Sec. 3. *And be it further enacted,* That, from and after the passage of this act, no writ of error shall issue, to reverse or set aside any judgment or decree which may be rendered in any of the Courts of this Territory, after the expiration of twelve months from the rendition of such judgment

No writ of error granted after twelve months

or decree, any law to the contrary notwithstanding.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
Approved—10th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

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AN ACT

To alter and amend an act, entitled
“An Act concerning Escheats.”

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*
That the second section of the act concerning Escheats, passed the thirteenth day of December eighteen and eleven, be, and the same is hereby repealed.

Repealing
clause,

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
APPROVED—10th February, 1818.
WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

Concerning the style of Writs.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*
That all writs hereafter issued from any of the Courts of this Territory, shall run in the name of the Alabama Territory; and shall bear teste in the name of, and be signed by, the Clerk of the Court from which they may be issued.

To bear teste
in name of
the clerk

Sec. 2. *And be it further enacted,*
That in all cases respecting the rights, interest and duties of the Territory or its officers, whenever the word Mississippi occurs, or is required to be used, it shall be supplied by the word "Alabama."

"Alabama"

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council,

Approved—12th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

Appointing Commissioners to select a temporary place for holding the Courts in Montgomery county.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That Hudson Powell, Robert Gastin, Joseph H. Howard, Howell W. Rose, and Doctor George Dabney, be, and they are hereby, appointed Commissioners; a majority of whom shall have full power to select the place at which the different Courts for said county, shall be holden: which place so selected, shall be the temporary seat of justice in said county, until otherwise provided or altered by law.

Names of
Commissioners

GABRIEL MOORE,

Speaker of the House of Representatives,

JAMES TITUS,

President of the Legislative Council

APPROVED—12th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory

AN ACT

To alter and extend the boundaries of Marengo County.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That all that tract of country lying west of the county of Dallas, north of the county of Clark, and east of the River Tombeckbe, shall be added to, and compose a part of, the county of Marengo.

Boundaries

GABRIEL MOORE,

Speaker of the House of Representatives,

JAMES TITUS,

President of the Legislative Council,

APPROVED—12th February, 1818..

WM. W. BIBB,

Governor of the Alabama Territory,

AN ACT

To authorise Honore Colin to manumit his female slave Rozetta.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That Honore Colin, a free man of

To give
bond and se-
curity to the
chief Justice

colour of the Town of Mobile, be and he is hereby, authorised to manumit and set free Rozetta, his female slave, so soon as the said Honore Colin shall have executed to the Chief Justice of the Orphans Court of Mobile county, and his successors in office, a bond, with sufficient security, to be approved by said Orphans Court, conditioned that the said female slave Rozetta, shall never become chargeable to the Alabama Territory, or any county, or town therein.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

Approved—12th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT.

To authorise the change of Venue,
in real Actions.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That hereafter it shall and may be lawful for the several Courts within*

within this Territory, when any real action may be instituted, or pending in such Courts, to order the change of Venue in such action, to any adjacent county, on the party wishing such change, making affidavit, that he, she, or they, verily believe that justice cannot be done in the county where such suit may be pending: *Provided*, that the party opposed to such change of Venue, shall have the right to take the testimony of aged or infirm witnesses, in all cases where a change of venue may be prayed, by *Dedimus Protestatem*, to be directed to any Justice of the Quorum, or of the Peace in the county from whence the said Venue may be changed; the party wishing such *Dedimus* previously making an application, for that purpose, to the Judge who may preside in the Judicial District where such suit may be pending, and giving the opposite party sufficient notice of the time and place of taking such testimony which testimony, in form aforesaid taken, together with the *Dedimus*, shall be sealed up by the person by whom the said testimony may be ta-

Change of
venue to any
adjacent
county

Party oppo-
sed to take
testimony of
aged and in-
firm persons

ken, and be directed to the Clerk of the Court to which the Venue may be changed, and shall be read in evidence in the case in which it may be taken, subject to such restrictions, and formalities, as are now prescribed by law.

Sec. 2. *And be it further enacted,* That when the venue has been changed in any real action, and judgment had and rendered, in favor of the Plaintiff, it may be lawful, and it is hereby required, that the Clerk of the Court where such judgment shall be rendered, shall issue the writ of Habere Facias Possessionem, in favour of the plaintiff, directed to the Sheriff of the county where the action originated, any law, usage or custom, to the contrary notwithstanding.

Writ of Habere facias Possessionem to issue

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.

Approved—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory

AN ACT

To amend and alter the laws for the punishment of Crimes and Misdemeanors.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That from and after the passage of this act, in all prosecutions for capital offences, it shall and may be lawful, for the attorney general, or the person acting as such, to challenge a juror for good cause only, and it shall not be lawful for any peremptory challenge to be made to a juror, on the part of the Territory.

Att. Gen. to
challenge
juror for
good cause
only

Sec. 2. *And be it further enacted,* That so much of an act entitled, act for the punishment of crimes and misdemeanors, as requires that the prisoner should be furnished with a list of the jury who are to pass on his trial, two entire days previous to such trial, shall be so construed, as not to disqualify any person who may be summoned as a talisman, in case of a deficiency of jurors of the pannel, with

construction
relative to
talisman

a copy of which such prisoner may have been served.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

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AN ACT

To establish the Tombeckbe Bank, in the Town of St. Stephens.

Sec: 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,
That there shall be established, in the town of St. Stephens, a Bank, the capital stock of which shall not exceed Five Hundred Thousand Dollars, divided into Five Thousand Shares, of One Hundred Dollars each; and the subscriptions, towards constituting said stock, shall, as soon as may be after the passage of this act, twenty days notice being previously given, in some newspaper of St. Stephens, be opened in the said

Capital

town, under the superintendence of David Files, James A. Torbert, Denison Darling, Thomas I. Strong, Israel Pickens, James G. Lyon, Jack F. Ross, William Crawford, Abner Smith Lipscomb, William D. Gaines Nathan Whiting, Thomas Crowell and George Buchanan, and shall remain open twenty days at least, and until the sum of seventy thousand Dollars shall be subscribed: and the money thus subscribed, shall be paid one-eighth part thereof, at the time of subscribing, three-eighth parts thereof, as soon as the Bank may be carried into operation; each of which payments shall be made in specie; when the directors shall give notice thereof, by advertisement, to be published in some newspaper printed in the said town of St. Stephens, at least thirty days previously to the day on which the subscribers shall be required to pay the same; and the remainder at two equal instalments, at sixty and one hundred and twenty days thereafter; and as soon as the sum of seventy thousand dollars shall be subscribed, the subscribers, their successors and assigns, shall be a body

Superintendents

Books to be kept open 20 days

Time of payments

politic and corporate, by the name and style of the President, Directors and Company of the Tombeckbe Bank ; and shall so continue until the last day of December, one thousand eight hundred and thirty eight ; and by that name shall be able and and capable in law, to have, purchase, receive, possess, enjoy and retain, to the use of them and their successors, lands, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, to an amount not exceeding the sum six hundred thousand dollars ; & the same to grant, alien & dispose of at pleasure, & shall, by the name aforesaid, be capable and liable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, matter, action or thing depending in any court of law or equity ; and, also, to have and keep a common seal, and the same to break, alter or amend, at pleasure ; and, also, to ordain, establish and put in execution, such bye laws, ordinances and regulations, not contrary to the laws of the United States, or of this Territo-

Incorporated with power to hold property

To make bye laws

ry, as they may deem necessary and expedient for the good government of the said corporation ; and, generally, to do and execute all and singular, acts, matters, and things which are necessary and incident to bodies corporate, subject to the rules and regulations hereinafter prescribed and declared.

Sec. 2. *And be it further enacted,* That the following rules and regulations shall form and be the fundamental articles of the constitution of the said corporation, to wit : 1. The number of votes to which the stockholders shall be entitled in voting for directors, shall be according to the number of shares he, she, or they hold, in the proportions following, that is to say : for each and every share, not exceeding five, one vote, for every two shares above five and not exceeding nineteen, one vote ; for every three shares above nineteen, and not exceeding forty-nine, one vote ; for every four shares, above forty-nine and not exceeding seventy-three, one vote ; for every six shares above seventythree and not exceeding ninety-seven, one

Proportion
of shares to
each vote

vote ; and for every eight shares above ninetyseven, on vote ; but no person, copartnership, or body politic shall be entitled to a greater number than one hundred votes ; and after the first election, no share or shares shall confer a right of voting which shall not have been holden three calendar months previous to the day of election, and stock holders may vote by proxy.

2. Not more than three fourths of the directors who shall be in office at the time of an annual election, shall be elected for the next succeeding year ; and no director shall hold his office, more than three years out of four, in succession ; but a director who shall be a President at the time of an election, may always be re-elected.

No director
to continue
more than
three years

3. None but a stockholder, a resident citizen of this Territory, shall be a director ; nor shall any director be entitled to any emolument ; but it shall be lawful for the President to receive such compensation as the stockholders shall, at a general meeting, assign to him.

Entitled to
no emolu-
ment

4. Not less than seven directors

shall constitute a board for the transaction of business, of whom the President shall always be one except in case of sickness or necessary absence, in which case, his place may be supplied by another director, whom he, by writing under his hand, shall depute for that purpose, and the director, so deputed, may do and transact all the necessary business belonging to the office of the President of the said corporation, during the continuance of the sickness or necessary absence of the President.

Absence of
the Presi-
dent to be
supplied by
deputy

5 It shall be lawful for the Directors to call a general meeting of the stockholders at any time they may deem it necessary and expedient, and a number of stockholders not less than twenty, who together shall be proprietors of one hundred shares, or upwards, shall have power, at any time, to call a general meeting of the stockholders for purposes relative to the institution, giving at least six weeks notice in the newspapers of St. Stephens and specifying in such notice the object or objects of such meeting.

Directors
have power
to call a ge-
neral meet-
ing

20 stockhol-
ders also
have the
power

6. The Directors shall have power, at all times, on giving at least for-

Directors
have power
to open sub-
scriptions

days notice, in a St. Stephens newspaper, to open subscriptions for stock until the whole capital stock is subscribed. Provided, that no person shall subscribe for more than ten shares within the first ten days after the subscription shall be opened.

Cashier &c.
to give bond
and security

7. The Cashiers or other officers, clerks and servants of the corporation, shall, previously to entering on the duties of their offices, respectively, give bond with such security, and in such form as the directors shall require; conditioned for the faithful discharge of their duties respectively.

Amount of
bills issued,
not to exceed
three times
the capital

Chargeable
with excess.

8. The total amount of the Bills emitted by the corporation shall never exceed three times the amount of the capital stock actually paid in; and in case of excess the directors, under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and an action of debt may, in such case, be brought against them, or either of them, or any of their heirs, executors, or administrators, in any court of record in this Territory, by any creditor or creditors of

the said corporation; and may be prosecuted to judgment and execution, any condition, covenant, or agreement, to the contrary notwithstanding; but the corporation shall not on account of this provision be the less liable for and chargeable with the said excess; such of the said directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was contracted or created, may, respectively, exonerate themselves from being so liable by, forthwith, giving notice of the fact, and of their absence or dissent, to the stockholders at a general meeting, which they shall have power to call for that purpose.

9. The corporation shall not take more than at the rate of six per centum per annum, for or upon its loans or discounts.

Shall not
take more
than 6 per
cent interest

10. The stock of the corporation shall be assignable and transferable, according to such rules as may be made in that behalf by the directors.

Stock trans-
ferable

11. The Bills obligatory and of credit, under the seal of the said

corporation, which shall be made to any person or persons, shall be assignable by endorsement under the hand or hands of said person or persons, and his, her or their executors and administrators, and of his, her or their assignee or assignees. and so as absolutely to transfer, and vest the property thereof in each and every assignee or assignees, successively, and to enable such assignee or assignees, and his, her, or their executors, or administrators, to maintain an action thereupon, in his, her, or their own name or names; Provided, that said corporation shall not make any bill obligatory or of credit, or other obligation, under its seal, for the payment of a sum less than five hundred dollars; and the bills or notes which may be issued by order of said corporation, signed by the President and countersigned by the Cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with like force and effect, as upon any private person, if

Notes how
negotiable

issued by him, her or them, in his, her or their private or natural capacity, or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by endorsement, in like manner and with the like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be assignable and negotiable by delivery; **Provided**, that all bills or notes so to be issued by said corporation, shall be made payable on demand, other than bills or notes for the payment of a sum not less than fifty dollars each, and payable to the order of some person or persons; which bills or notes, it shall be lawful for said corporation to make payable at any time not exceeding sixty days from the date thereof.

12. Half yearly dividends shall be made of so much of the profits of the Bank, as shall appear to the Directors advisable; and once in three years the Directors shall lay before Once la

three years
to lay a state
ment before
the stock
holders.

Forfeiture
of dividends

No note for
less than one
dollar.

How to
collect debts

the stockholders at a general meeting, for their information, an exact and particular statement of the debts which have remained unpaid after the expiration of the original credits, for a period of treble the term of that credit, and of the surplus of the profits, if any, after deducting losses and dividends. If there shall be a failure of the payment of any part of any sum subscribed to the capital of the said Bank by any person, co-partnership or body politic, the party failing shall lose the benefit of any dividend which may have accrued, prior to the time for making such payment, and during the delay of the same.

18. No note shall be issued of less amount than one dollar.

Sec. 3. *And be it further enacted,* That if any person or persons shall be indebted to said corporation, as maker or endorser of any note, bill, or bond, expressly made negotiable and payable at said Bank, and shall delay payment thereof it shall be lawful for the corporation, after having given at least ten days notice thereof, and producing to the Court

before whom the motion is made, the certificate of the President of the Bank that the debt is really and bonafide the property of the Bank, to move for judgment and the award of execution against such debtor or debtors, his, her, or their heir or heirs, executors or administrators, in any Court of record within this Territory: *Provided*, always, that if the defendant or defendants shall appear & contest the claim, the Court shall, *instanter*, impanel a jury to try the issue, and thereon give judgment accordingly: *and provided*, also, that no note, bill or bond, shall be negotiable at said bank, unless it shall be so expressed on the face of such note, bill or bond, and all debts due from the said corporation, by bond, bill, note or otherwise, to any individual or body corporate, may be sued for and recovered in like manner.

No note negotiable unless so expressed on the face of it

Sec. 4 *And be it further enacted*, That as soon as the sum of seventy thousand dollars shall be subscribed with the superintendants, it shall be lawful for them to rent or lease a house and fit it for the business of the Bank, to procure paper, plates,

Superintendants to rent house &c

chests, books, stationary and whatever may be necessary to begin the operations of the Bank; and as soon as they shall have made such progress therein, as will justify the measure, call a meeting of the stockholders in the town of St. Stephens, of which they shall give public notice for twenty days, in some newspaper printed in St. Stephens; and at such meeting of the stockholders they shall proceed to the election of thirteen directors, who shall continue in office until the first Monday in January following, when there shall be a new election, and so on, in each and every year on the same day, until there shall be a dissolution of the corporation. Immediately after each election the directors shall meet and choose one out of their own body as President. In case of death, resignation or absence of a director or of the President out of the Territory, for upwards of six months, the vacancy may be supplied by a majority of the board.

Call meeting
 and elect
 directors

Elect directors
 every
 year

Sec 5. *And be it further enacted,*
That for all debts contracted by said

corporation, either by bond, bill, or note, or other contract, the stockholders, at the time the said debt or debts may have been contracted, shall be liable for the same in their natural and private capacities, in proportion to the number of shares by them held, and may be proceeded against therefor, jointly or severally, in any court having jurisdiction of the same; but this provision shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from being also liable.

Stockholders
are liable for
debts &c.

Sec. 6. *And be it further enacted,* That it shall be the duty of the directors to reserve, for ten years two fifths of the said capital stock, to be subscribed for by the Territory or State as it may be, at any time within the ten years: and at any time the Legislature of the Territory or State shall have the aforesaid two fifths, or any part thereof subscribed for; then the Governor of the Territory, or State, shall have power to appoint a number of Directors, proportionate to the number of shares held by the

Two fifths
of the capital
to be reserv-
ed for the
Territory

Territory or State, in said Bank, and the stockholders shall, at the next annual election, proceed to the election of the residue of the Directors, as authorized by this act: and the Territory or State shall be liable for all debts contracted by said Bank, in their capacities as such, to the extent of the interest held by the Territory or State in said Bank.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council:

APPROVED—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

Authorising the building of Bridges on Santa Bogue and Pine Pine Barren Creeks, in Washington County.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That William Shaw, Robert Caller, Wm. Godfrey, Jeremiah Worsham sen. John Moore, William Rankin

and David Rudder, be. and they are hereby, appointed Commissioners, to contract for and superintend the building of Bridges across Santa-Bogue and Pine Barren Creeks, at or near the place, where the Federal road, leading from St. Stephens to Tennessee, crosses said Creeks, in Washington county; and they. or a majority of them, are hereby authorized to make such contract, and at such time or times, and on such terms and conditions, as they may deem proper.

Where bridges to be built

Sec. 2. *And be it further enacted,* That the aforesaid Commissioners be, and they are hereby authorized and required, to take bond, with sufficient security, drawn in their favor, for the use of said county, from the undertaker or undertakers of said bridges, conditioned for the faithful completion thereof, according to contract.

Take Bond and security

Sec. 3 *And be it further enacted,* That the aforesaid Commissioners be, and they are hereby, authorized to draw on the Treasurer of the county of Washington, aforesaid, for such sum or sums of money, as they

Give drafts on the Treasurer of Washington county

may, from time to time, deem necessary to carry into effect the object for which they are, by this act, appointed : and the aforesaid Treasurer of the county of Washington, is hereby, authorised and required to pay such drafts, out of any monies in said Treasury, not otherwise appropriated.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
Approved—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

Entitled an act, to alter the mode of assessing and collecting Taxes, in the counties of Washington and Montgomery

Sec. 1 *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*
That the assessors and collectors of Taxes in the counties of Washing-

ten and Montgomery. shall, in their respective counties, attend three several times in each militia captains' district, at or near the usual muster ground, to receive returns and payment of Taxes, of which times and places of attending, they shall give at least twenty days notice, by advertisement, posted up in three or more of the most public places within the district.

to attend in
each district

Sec. 2. *And be it further enacted,* That it shall be the duty of all persons liable to pay taxes, to attend at such time, and places, as the collectors and assessors aforesaid may appoint, for the purpose aforesaid; and on failure so to do, every person so failing, shall be considered defaulters, and double taxed, agreeably to the tax laws now in force: *Provided,* That no person shall be double taxed, who shall give in his or her return, and pay his or her taxes, within thirty days after the time last ap-

Liable to
double tax

pointed by the assessors and collectors aforesaid.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

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AN ACT Concerning the distribution of the Laws and Journals.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That it shall be the duty of the Secretary, after making the distribution particularly designated by law, to distribute the Acts and Journals of the present session, among the several counties, agreeably to the number of Representatives to which they are, respectively, entitled.

Sec. 2. *And be it further enacted,* That the Secretary of the Territory, be, and he is hereby, authorised

Secretary to
distribute
the laws &
journals

to employ suitable persons to transport, and deliver to the Clerks of the several Superior Courts, the proportions of the said Acts and Journals, to which their respective counties may be entitled.

To employ
a person to
deliver them
them to the
clerks

Sec 3 *And be it further enacted,*
That the Governor or Secretary, be,
and either of them is hereby, authorized to purchase one hundred copies of the late Digest of the Mississippi Statutes, to be distributed among the several counties established at the present General Assembly: and any expenses which may be incurred in carrying into effect the provisions of this act, shall be paid, on the certificate of the Governor, or Secretary, out of any monies in the Treasury not other wise appropriated.

Authorized
to purchase
100 copies
of Miss. Statutes

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

Approved—12th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory

AN ACT

To amend the Militia Laws and for other purposes.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That so much of any act as provides that the Militia of this Territory shall form one Brigade, and authorises the appointment of Brigadier General, shall be, and the same is hereby, repealed.

Repealing
clause

Sec. 2. *And be it further enacted,* That the Governor shall have power to arrange the respective Regiments, Battalions and Companies of Militia; and from time to time, when, in his opinion, the public safety may require it, or on a requisition under the authority of the United States, to call out any portion thereof, or any Volunteer Corps, and to order the same into the service of the United States.

Governor
authorised
to organize
the Militia

To call them
out when
necessary

Sec. 3. *And be it further enacted,* That when any portion of the Mili-

112, or any Corps of Volunteers, shall be called into service, by order of the Governor, it shall be the duty of the Quartermasters, or such other officer or officers, as the Governor may appoint, to furnish them with the necessary supplies, and means of transportation, and to render a just account of expenditures.

Quarter
masters to
furnish sup-
plies &c.

Sec. 4. *And be it further enacted,* That the sum of Two Thousand Dollars, be, and the same is hereby, set apart, out of any monies in the Treasury not otherwise appropriated, and shall constitute a contingent fund to defray any expenses which may be incurred under the provisions of this act, and such other incidental expenses as may be required for the public service ; and the Governor, may, from time to time draw on the Auditor of Public Accounts for such sums as may be necessary ; stating always the amount, and the object for which it is wanted ; whereupon the Auditor shall issue his warrant therefor on the Territorial

Two thou-
sand dollars.
appropriated

Treasurer, who shall forthwith pay the same.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

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AN ACT

To incorporate the Town of Rodney, and for other purposes.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That the Town of Rodney, laid out on the land of Josias Bullock, near St. Stephens, in the county of Washington, pursuant to an act of the General Assembly of the Mississippi Territory passed on the twenty-fifth day of November, eighteen hundred and eleven, be, and the same is, hereby, established, by that name and style.

Established
by the name
of Rodney

Sec. 2. *And be it further enacted,* That hereafter, the land holders,

freeholders, and house holders, within the said Town of Rodney, shall on the first Monday in March next, and on that day in each year, at the Eagle Tavern, hold an election, to commence at ten o'clock in the morning, and close at five o'clock in the evening, for the purpose of electing, by ballot, five persons, inhabitants of said town, Trustees thereof, a majority of whom shall constitute a quorum to do business; and also a town Treasurer, Assessor and Collector, and Constable to serve for one year.

To elect
each year
five trustees

Sec. 3. And be it further enacted, That the said Trustees and other officers to be so elected shall proceed in the same manner, possess the same powers, and be subject to the same restrictions as are prescribed by law for the government of the Trustees and other officers of the town of St. Stephens.

Subject to
the same re-
gulations as
the town of
St. Stephens

Sec. 4. And be it further enacted, That every free white male, of full age, who has resided in the town of St. Stephens six months previously to the election of the Trustees for the said town of St. Stephens shall

six months
residence
entitles a
person to
vote

be entitled to vote for the said Trustees.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

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AN ACT

To amend an act entitled an act against Usury.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*
That any rate of interest, or premium for the loan or use of money, wares, merchandize, or other commodity, fairly & *bona fide* stipulated and agreed upon by the parties to such contract, expressed in writing, and signed by the party to be charged therewith, shall be legal and recoverable; and no *bona fide* contract shall be vacated, or in any man-

Lawful to
receive any
interest ex-
pressed in
writing

ner impaired, by reason of any premium, or rate of interest, so stipulated and expressed.

Sec. 2. *And be it further enacted,* That on all contracts, written or verbal, ascertaining the sum due, where no specific premium or rate of interest is expressed, interest shall be taken, recovered and allowed, at the rate of eight per centum per annum from and after said sum due and payable.

Where no sum is expressed 8 per cent.

Sec. 3. *And be it further enacted,* That all acts, or parts of acts contravening the provisions of this act, be, and the same are hereby, repealed: *Provided,* that nothing in this act contained, shall be so construed as to make it legal for any Bank to receive more than at the rate of six per centum per annum, for and upon its loans and discounts.

repealing clause,

Proviso.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
Approved—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To fix the compensation of the members of the General Assembly.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That the President of the Legislative Council, and the Speaker of the House of Representatives, shall be entitled to receive seven dollars, and each other member of the General Assembly five dollars for each and every days attendance at the General Assembly ; and shall moreover, be allowed at the commencement and end of every session, five dollars for every twenty miles of the estimated distance, by the most usual road, in coming to, and returning home, from, the place at which the General Assembly shall sit, and in that proportion for a shorter distance : and if any member of the General Assembly shall be detained by sickness in coming to, or returning home from any session of the Legislature, or be unable to attend the house to which he belongs, he shall

Compensation
thereon

Sick mem.
be entitled
to the same.

be entitled to the same daily allowance.

GABRIEL MOORE,
Speaker of the House of Representatives

JAMES TITUS,
President of the Legislative Council
APPROVED—13th February, 1818.
WM. W. BIBB,
Governor of the Alabama Territory.

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AN ACT

Further to enable the County Court of Madison, to complete the Public Buildings of said County

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory in General Assembly convened,*

That, in addition to the powers already given them by law, as Commissioners for that purpose, the County Court of Madison, be, and they are hereby authorised to levy a special tax, to enable them the more speedily to complete the public buildings of said county to be drawn for and applied to that object only; *Provided*, such special tax

county court
authorised
to levy a spe-
cial tax.

shall not exceed one half of the Territorial tax of said county, and shall be collected in the same manner, by the same person, and for the same per centum, as the Territorial tax.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

For the relief of Tax Collectors.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That it shall be the duty of the Auditor of Public Accounts to allow to the Tax Collectors of the several counties, for the last year, the same sums which would have been allowed to them, if they had made their payments on or before the fifteenth day of November last, and said Collectors shall be relieved from the penalties of of their respective bonds :

Allowance
to tax collec-
tors.

Provided, they shall complete their payments into the Territorial Treasury, on or before the first day of May next.

Relieved
from the pe-
nalties of
their bonds.

Sec. 2. *And be it further enacted*, That the several assessors within this Territory shall be allowed, for the present year, till the first day of July next, to complete and deliver the several lists of taxable persons and property which they are bound by law to furnish.

Assessors al-
lowed till
the first day
of July next,
to complete
and deliver
their lists.

Sec. 3. *And be it further enacted*, That the said assessors and collectors are hereby authorized and required to receive, and discharge the amount of any draft or warrant, signed by the Speaker of the House of Representatives, or President of the Legislative Council; and such draft or warrant shall be a sufficient voucher in the settlement of the accounts of such assessor and collector, with the Auditor.

Assessors &
collectors
authorised
to receive
drafts.

Sec. 4. *And be it further enacted*, That the tax collector for the county of Monroe, for the year one thousand eight hundred and sixteen, be allowed the sum of one hundred and fifty-five dollars and twenty-five

Tax collec-
tor of Mon-
roe county
allowed for
insolvency.

cents, as the amount of insolvencies in said county, for the year aforesaid, and that the Auditor of Public Accounts be and he is hereby, authorised and required to audit said account accordingly.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council
APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory

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AN ACT

To appoint Commissioners, to ascertain and report the most suitable and practicable route for a road, from the Falls of the Tuskaloosa, to the Tennessee River.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened*

Commission-
ers names.

That Robert Beaty, Anthony Winston and William L. Adams be, and they are hereby, appointed commissioners, to explore and examine the

country between the Tennessee and Black Warrior Rivers, and report to his Excellency the Governor, at or before the next meeting of the Legislature, the nearest, best, and most practicable route for a road, leading from the Falls of the Tuskalooza or Black Warrior, to any point, or points, on the Tennessee River, above the head of the Muscle Shoals.

Report to
governor or
next legisla-
ture.

Sec. 2. *And be it further enacted,* That the said Commissioners, and each of them, shall receive for their services while engaged in making such examination and report, at the rate of three dollars per day; to be paid out of any monies in the Treasury not otherwise appropriated. *Provided,* that the expense to be incurred by this act shall not exceed two hundred and fifty dollars.

Allowed 3
dollars per
day.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

Approved—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

Appointing Commissioners to examine and report to the Governor the most eligible scite for the seat of the Territorial Government.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That Clement C. Clay, Samuel Taylor, Samuel Dale, James Titus, and William L. Adams, be, and they are hereby appointed commissioners to examine and report to the Governor, the most eligible scite for the Territorial Government, as near the centre of the Territory as may be, having due regard to commercial advantages, and the nature and situation of the country ; and if said commissioners believe, on examination, that two or more places have equal, or *nearly* equal advantages, they shall report the same with a correct description of each.

commission.
ers.

May report
two places.

Sec. 2. *And be it further enacted* That so soon as the Governor, may receive such report from said commissioners, he shall be authorised to notify the Commissioner of the gen-

eral Land Office the place, or places, at which it is in contemplation to fix the seat of the Territorial Government and to request the suspension of the sale of such place or places, till after the next meeting of the General Assembly of this Territory; at which time such report shall be submitted to the Legislature for consideration : and if, notwithstanding such notification, the scite or scites, so examined and reported, should be offered for sale, before the next meeting of the General Assembly, the Governor shall be, and he is hereby authorised to purchase for the use of the Territory such one of the reported scites, as he may deem most advantageous and desirable.

Governor to
request sus-
pension of
sale.

is authorised
to purchase
if sold.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory

AN ACT
To establish the Counties of Marion
and Conecuh.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That all that part of the county of Tuskalooosa, lying west of the Sipsey Fork of the Black Warrior, and north of a line running directly from the mouth of said Fork to the ridge dividing the waters of Lookseopela Creek, and the first large Creek south of the same; and thence with said ridge to the Tombeckbe River, shall form one County, to be called and known by the name of Marion.

Boundaries,
of Marion
County.

Sec. 2. *And be it further enacted,* That all that tract of country, lying east of the Federal Road, and not included in any other county now established, except the county of Monroe, shall hereafter form one County to be called and known by the name of Conecuh.

Boundaries
of Conecuh
county

Sec. 3. *And be it further enacted,* That there shall be holden in and for the said county of Marion, in each year, a Superior Court of

Law and Equity, on the second Mondays in March and September; a County Court on the third Mondays in March and September; And an intermediate Court, on the third Mondays in June and December.

Time of holding courts for Marion county.

Sec. 4. And be it further enacted, That there shall be holden in and for said county of Conecuh, in each year, a Superior Court of Law and Equity, on the fourth Mondays in March & Sept. a county Court on the third Mondays in March and September, and an intermediate Court, on the third Mondays in June and December.

Time of holding courts for Conecuh county

Sec. 5. And be it further enacted, That the said Courts, in and for said county of Marion, shall, for the time being, be holden at the Cotton Gin Port, and the said Courts, in and for the said county of Conecuh, shall, for the time being, be holden at the house of Mayberry Thomas; but the said Courts may, respectively, for the want of necessary buildings, adjourn to some more convenient place contiguous to the places herein designated for holding the same.

Where held

Sec. 6. And be it further enacted, that the said courts may, respectively,

so sit six days

continue their sessions six judicial days and no longer.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—February 13th, 1818.

WM. W. BIBB,

Governor of the Alabama Territory

AN ACT

To provide for the appointment of Attornies General, and to establish their Districts.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That the counties of Madison, Limestone, Lauderdale, Franklin, Lawrence, and Cotaco, shall compose one District, to be called the Northern District, and there shall be appointed, for said District, one Attorney General, who shall perform all the duties, by law appertaining to that office, in the several Superior Courts, to be holden in and for said counties; and the said

Attorney General shall receive four hundred and fifty dollars per annum, in full compensation for his services, to commence at the term of the first Court he may attend in that capacity.

Sec. 2. *And be it further enacted,* That the counties of Marion, Blount, Shelby, Montgomery, Cahawba, Marengo, Dallas and Tuscaloosa, shall compose one District, to be called the Middle District: and there shall be appointed, for said District, an Attorney General, who shall perform all the duties by law appertaining to that office, in the several Superior Courts to be holden in and for said counties; and shall receive four hundred and fifty dollars per annum, in full compensation for his services, to commence at the term of the first Court he may attend in that capacity.

Middle dis-
trict

Sec. 3. *And be it further enacted,* That the counties of Washinton, Clark, Monroe, Conecuh, Baldwin and Mobile, shall compose one District, to be called the Southern District: and there shall be appointed for said District, an Attorney Gene-

Southern dis-
trict

ral, who shall perform all the duties by law appertaining to that office, in the several Superior Courts to be holden in & for said counties ; & shall receive four hundred and fifty dollars per annum, in full compensation for his services.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council,
Approved—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To authorise John S. Divin to emancipate his Negro slave Robiu, alias Robert Long.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That John S. Divin, be, and he is hereby, authorised and empowered to emancipate, set free and discharge from the bonds of slavery.

his Negro slave Robin, alias Robert Long, on such conditions as are now provided for by law.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

Approved—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

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AN ACT

To authorise the Trustees of the St. Stephens Academy to raise a fund by Lottery, for the use of said Academy.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That the President and Trustees of the St. Stephens Academy, be, and they are hereby, authorised to raise, for the use of the Academy, four thousand dollars, by Lottery, or Lotteries, in such a way, and on such terms, as the said Trustees. or

To raise
4000 dollars

a majority of them, may think most advisable.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

Extending the right of Representation to certain Counties therein named.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That the counties of Limestone, Lauderdale, Franklin, Lawrence, Cotaco, Marion, Blount, Shelby, Tuskalooza, Cahawba, Marengo, Dallas, and Conecuh, shall, each, be entitled to one member in the House of Representatives of the Territorial Legislature.

Sec. 2. *And be it further enacted,* That the sheriff, or such other offi-

Names of
counties en-
titled to one
representa-
tive.

cer as may be authorised by law, in each of the counties aforesaid, shall, on the fourth Monday of July next, and on the succeeding day, proceed to open and hold an election, agreeably to law, at the place designated for holding Courts; and such sheriff or other officer, shall, within forty days after said election, make return to the Governor, of the person who may be elected to represent his respective county.

When elected, sheriff to make return in 40 days.

Sec. 4. *And be it further enacted,* That the several persons elected in the counties aforesaid, in manner aforesaid, shall be the Representatives of their respective counties, until the expiration of the term for which the members of the present Legislature were chosen, with all the rights, powers and privileges incident to that capacity.

When elected entitled to all the privileges of a representative.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.
APPROVED—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

To amend the Laws for raising a
Revenue.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened*
That all Lands, within this Territory, subject to taxation shall belong to one class: the first quality of which shall be rated at six dollars per acre; the second quality at three dollars per acre, and the third quality at two dollars per acre.

One class
only.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

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AN ACT

Concerning Oaths of Office.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*
That all oaths of office, or declarations, or affirmations, prescribed by

law, may be taken before such persons, in the several newly established counties, as the Governor may, for that purpose depute and authorise in writing; and shall be as valid and obligatory, to all intents and purposes, as if administered by the Governor, or a Territorial Judge, or a Justice of any County Court.

Governor
may autho-
rise persons
to adminis-
ter oaths

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

To alter and amend an act, entitled
“An act to establish a Bank at
Huntsville”

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*
That so much of the act, entitled an act, to establish a Bank at Huntsville, as prescribes that the corporate name and style of the subscribers to said Bank, shall be the President, Direc-

Repealing
clause

tors and Company of the Planters and Mechanics Bank of Huntsville, be, and the same is hereby, repealed.

Sec 2. *And be it further enacted,* That the subscribers, to the Bank now in operation at Huntsville, their successors and assigns, incorporated by the said act, by the aforesaid name and style, be, and they are hereby created a corporation, and body politic, by the name and style of the President, Directors and Company of the Planters and Merchants Bank of Huntsville; and by that name and style, shall be known and distinguished, and by that name and style, shall be entitled to all the rights, privileges and immunities, and subject to all liabilities, in said act of incorporation contained.

Planters &
Merchants
Bank

Sec. 3. *And be it further enacted,* That all acts heretofore done by the President, Directors and Company of said bank, and all debts contracted by, or to said bank, transacting business under the name and style of the President, Directors and Company of the Planters and Merchants Bank of Huntsville, shall be as binding and valid, to all intents and purposes, as

The name
binding and
valid

if the subscribers to said bank had been, by the said act; incorporated by that name and style.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED — 13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

For the relief of James Caller.

Sec. 1. *Be it enacted by the Legislative Council and House of representatives of the Alabama Territory, in General Assembly convened,* That James Caller be, and he is hereby, discharged from the payment of two hundred and seven dollars and eighty-five cents, being the amount of a judgment, and costs, obtained against him by the Governor of the Mississippi Territory, by the consideration of the Superior Court of Washington county, at its September term in the year eighteen hundred and fifteen, on a bond given by the said James Caller, for a certain

Released
from a judgment

Ware-House and lot of land near Fort Stoddert, in Baldwin county, whereon was erected said Ware-House.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative council.
APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory:

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AN ACT

To authorise the Administrators of William Gillam deceased, to sell real Estate.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That Robert L. Walton and Thomas Land junior, administrators of William Gillam, late of Madison county, deceased, be, and they are hereby, authorised to sell the real Estate of said decedant, on such terms as they may deem most advantageous, taking bond with good and

sufficient security for the true and faithful payment of the consideration.

Sec. 2. *And be it further enacted,* That said administrators are hereby authorized and empowered, on the sale of said real Estate, to make, or cause to be made, to the purchaser or purchasers, a conveyance of such title as the said decedant had, or was entitled to; which conveyance shall be equally valid and binding, as if the same had been made by the decedant, in his life time.

To make title thereto.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
Approved—19th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory

AN ACT

To authorize Daniel Reed to emancipate his Mulatto slave Rose.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That Daniel Reed, a free male of

To give
bond and
security.

colour, be, and he is hereby, authorised and empowered, to emancipate, set free and discharge from the bonds of slavery, his mulatto slave named Rose: *Provided*, that he shall give bond, payable to the Governor of the Alabama Territory, conditioned, that the said woman Rose shall not become chargeable to any county or town within the Territory; which bond shall be filed in the office of the Clerk of the County Court of Washington county, agreeably to the provisions by law in such cases made and provided.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

Approved—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

To Divorce Lucretia Dearmond from
James Dearmond.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*
That Lucretia Dearmond be, and she

is hereby, divorced from the bonds of Matrimony, heretofore subsisting between the said Lucretia Dearmond and James Dearmond. Divorce

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—13th February, 1818.

W.M. W. BIBB,

Governor of the Alabama Territory.

AN ACT

To authorise the Administrators of James Allsup deceased, to sell real Estate.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,*

That Robert R. Allsup administrator of James Allsup late of the county of Madison deceased, be, and he is hereby, authorised to sell a certain Lot adjoining the town of Huntsville, belonging to the estate of said decedant, on such terms as he may deem most advantageous, taking bond with good and sufficient security from the

Authorised
to sell a lot
and take
bond with
security

purchaser or purchasers, for the true and faithful payment of the consideration.

Sec. 2. *And be it further enacted,* That said administrator is hereby authorized and empowered, on the sale of said Lot, to make, or cause to be made to the purchaser or purchasers, a conveyance of such title, as the said decedant had, or was entitled to; which conveyance shall be equally valid and binding, as if the same had been made by the said decedant, in his life time.

To make title
there to

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—February 13th, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

Making appropriations to certain persons therein named.

Sec. 1 *Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,* That the sum of two hundred and eight dollars, be, and the same is

hereby, allowed to Thomas H. Douglass, for house rent, fuel, and furniture, furnished the General Assembly at the present session; and the sum of sixty two dollars and thirty-seven and a half cents, to Kyle, Hicks, Smiley & Co. for stationery, furnished for the use of the General Assembly.

Allowance
to T. H.
Douglass

Allowance
to Kyle,
Hicks, Smiley
& Co

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

RESOLUTIONS.

A joint Resolution authorising the Governor to draw upon the State of Mississippi for any monies due the Alabama Territory.

Resolved, by the Legislative Council and House of Representatives of the Alabama Territory in General Assembly convened, That the Governor be, and he is hereby, authorised

Governor
authorized
to take mea-
sures to as-
certain the
amount of
money to
which the
Alabama
Territory is
entitled

Expenses to
be paid out
of the Treas-
ury

to take such measures as he may deem most proper for the purpose of ascertaining and receiving, from the proper authorities, the amount of monies to which the Alabama Territory may be entitled, by virtue of the provision contained in the ninth section of the act of Congress, establishing a separate Territorial Government, for the Eastern part of the Mississippi Territory: as also all such public acts, papers, or documents, or authenticated copies thereof, now in the office of the Secretary of the State of Mississippi, as have relation to this Territory, and which may be considered important: and any expenses which may be incurred in carrying into effect this resolution, shall be paid out of the contingent fund, or any other monies in the Treasury not otherwise appropriated, on the certificate of the Governor.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—February 13th, 1818.

WM. W. BIBB,

Governor of the Alabama Territory

A joint Resolution appointing Commissioners to mark out a road from the Town of Blakely to Fort Claiborne.

Resolved, by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That Cyrus Sibley, Charles Hall, Aaron Barlow, Samuel Dale, James Earl, Paschal Harrifon and Peter Randon, be, and they are hereby, appointed Commissioners, to lay out and mark a road from the Town of Blakely to Fort Claiborne.

Commissioners to lay out road

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
Approved—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

A joint Resolution making appropriation for the Sergeant at Arms.

Resolved, by the Legislative Council and House of Representatives of the Alabama Territory in General Assembly convened, That the sum of seventy eight dollars, be, and the same is hereby, allowed to Samuel Smith, lergeant at arms, for his ser-

Sergeant at arms allowed 78 dolls.

VICES in attending twenty-six days
on the General Assembly.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—14th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

—

A joint Resolution increasing the
compensation of the Door keep-
ers.

*Resolved, by the Legislative Coun-
cil and House of Representatives of
the Alabama Territory, in General-
Assembly convened, That the Door-
keepers of the House of Represen-
tatives, and of the Legillative Coun-
cil, be, and they are hereby allowed
three dollars per diem, in full com-
pensation for their services.*

Door keep-
ers allowed
three dolls.
per diem

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—14th February, 1818

WM. W. BIBB,

Governor of the Alabama Territory.

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